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10/713,904

08/06/2002

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05/21/2007

EXAMINER

TANG, KENNETH

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/713,904

Applicant(s)

TSAO, SHENG TED TAI

Examiner

Kenneth Tang

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 28, 29 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 28, 29 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the Amendment on 2/21/07. Applicant's arguments have been fully considered but were not found to be persuasive.
2. Claims 1-15, 28-29 and 37 are presented for examination.

### ***Claim Objections***

3. Claim 37 is objected to because of the following informalities:
  - a. On line 17, "an" should be replaced with "a".
  - b. On line 18, "each tasks" should be replaced with "each of the tasks" or "each task";
4. Claim 30 must be cancelled. Claim 30 was restricted into Group II and Applicant elected Group I, claims 1-15 and 28-29.
5. Appropriate correction is required to overcome the errors.

### ***Specification***

6. The amendment filed 2/21/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:
  - c. Page 15, line 11, "one or more";
  - d. Page 15, line 13, "networks" and "CPUs";
7. Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, it is unclear whether the “performing” was intended to be “performing”. These two terms are different and affect the scope of the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-3, 5-6, 9-15, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (hereinafter Anderson) (US 2003/0084128 A1).**

10. As to claim 1, Anderson teaches a method for supporting multiple simultaneous concurrent tasks within a single web-console in a central controlled distributed scalable virtual machine ("CCDSVM") environment, said method comprising:

(a) a user logging in from a web-console of a console host to said CCDSVM environment ([0037], [0072]);

(b) said user from said web-console of said console host obtaining all information of the target systems within said CCDSVM environment (from task queue 14) ([0050], [0082]).

(c) said user from said web-console of said console host selecting a target system and initiating tasks based on said all information of said CCDSVM environment (from the task queue 14) ([0032]-[0034], [0050]);

(d) console supporting software on control management station getting and storing tasks into a user space task list (task queue 14), and obtaining associated locks for each task ([0032], [0040], [0058], [0059]); and

(e) console supporting software distributing multiple tasks to multiple systems until all of said tasks are performed ([0082]-[0083]).

11. As to claim 2, Anderson teaches the method of claim 1, wherein, step (a) further includes:

said web-console of said console host getting login web-page from said console supporting software of said control management station ([0072], [0037]);

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said user providing an account name and a password information to said login web-page on said web-console of said console host ([0072], [0031]);

said web-console of said console host sending the authentication information to said console supporting software of control management station ([0072], [0031]).

12. As to claim 3, Anderson teaches the method of claim 1, wherein, step (a) further includes said console supporting software of said control management station performing an authentication validation checking, wherein said authentication validation checking further includes determining whether a user is allowed to login ([0072], [0031]).

13. As to claim 5, Anderson teaches the method of claim 1, wherein, step (b) further includes:

said console supporting software of said control management station receiving necessary information from service software modules of all system units via communication link between them ([0072], [0030]-[0031]); and

said console supporting software of said control management station sending information of all said system units, said control management station and others to said web-console of said console host ([0032]-[0034], [0050]).

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14. As to claim 6, Anderson teaches wherein, step (b) further includes:

obtaining information relating to the IP address of each unit within said CCDSVM, and initiating tasks in said CCDSVM environment in response to said information ([0017], [0070]).

15. As to claim 9, Anderson teaches the method of claim 1, wherein, step (d) further includes:

said console supporting software of said control management station gets task information from said web-console of console hosts ([0032], [0040], [0058], [0059]).

said console supporting software of said control management station storing information of each task at a giving time into a valid slot of a user space task list ([0032]-[0034], [0050]).

said console supporting software of control management station acquiring associated locks to protect resources used by each task and further to prevent each task from interfering each other or from blocking each other ([0058]-[0059]).

16. As to claim 10, Anderson teaches the method of claim 1, wherein, step (d) further includes:

said locks acquired for each task being conventional or non-conventional lock ([0058]-[0059]).

said conventional lock can be acquired and released by same thread; and

said non-conventional lock can be acquired by a first thread and released by a second thread.

17. As to claim 11, Anderson teaches the method of claim 1, wherein, step (e) further includes based on task information, said console support software of said control management station determining which target system is selected to perform the task ([0032]-[0034], [0050]).

18. As to claim 12, Anderson teaches the method of claim 1, wherein, step (e) further includes transmitting task information from said console support software of control management system to the service software module of the target system units ([0082]-[0083]).

19. As to claim 13, Anderson teaches wherein, step (e) further includes:

said console support software of said control management station or the service software module of system unit determining whether an additional thread is required to carry out the tasks ([0082]). It is inherent that there is an additional thread that carries out the additional task.

20. As to claim 14, Anderson teaches wherein, step (e) further includes:

said console supporting software determining whether a task is permitted to run on a system identified by said user ([0031]).



21. As to claim 15, Anderson teaches wherein, step (d) and step (e) also includes said associated locks being released one at a time along with each task's executing up to a point that task is done ([0058]-[0059]).

22. As to claim 37, Anderson teaches a method for supporting multiple simultaneous concurrent tasks within a single web-console comprises:

providing a group of computer systems having at least one control system, and one or more server systems connected together through a network media, wherein said group of computer systems are controlled, operated, and managed by said control system with a set of software modules running on either a control system or on server systems in said group of systems (Fig. 1, items 4, 10, 20, 40, 44, 48, etc.);

providing multiple users login concurrently each from web-browser of client system into said control system ([0037], [0072]);

providing said users from a single web-browser on a client system to obtain information relating to system configuration and resources of control system ([0050], [0082]);

providing said user from a single web-browser of client systems to select said target systems, which is either a said control system or server systems, and to initiate multiple simultaneous concurrent tasks over the said configuration and resources information on selected target systems ([0082]-[0083]);

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providing said web console supporting software on control management station gets and stores tasks from each users on client systems into an user space task list, and also obtains the associated locks for each tasks ([0032], [0040], [0058], [0059], Fig. 1, item 14); and

executing tasks arranged by said console supporting software on target systems ([0032], [0040], [0058], [0059]).

Anderson describes how a single client or computer interacts with a web server, it also describes that there are multiple computers or clients on the network that can simultaneously access the internet web server ([0029]-[0030], etc.).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**23. Claims 4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (hereinafter Anderson) (US 2003/0084128 A1) in view of Zhao (US 6,035,404).**

24. As to claim 4, Anderson's invention can having multiple users logging in with their respective username/password on various console hosts. Anderson is silent on whether they can login concurrently. Zhao teaches multiple users logging in said console host through multiple web-consoles of multiple different console hosts concurrently (col. 7, lines 15-32, see Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson's user login system to include the well known feature (shown in Zhao) of multiple users logged in from various hosts because it makes it more convenient for the user if they don't have to wait for other users to be logged off, which thus saves time.

25. As to claims 7-8, they are rejected for similar reasons to the rejection of claim 4. The concurrent tasks are the tasks for the multiple concurrent user logins.

**26. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (hereinafter Anderson) (US 2003/0084128 A1) in view of Jackson et al. (hereinafter Jackson) (US 2002/0152305 A1).**

27. As to claims 28-29, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Anderson teaches security authentication with a user login and password, wherein there are various privileges/access rights ([0031]). Anderson is silent in having a first level of

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security authentication for the control management station and a second level of security authentication for the system units. However, Jackson teaches having and specifying security levels (with username/passwords) for a plurality of processing engines with the capability of defining logical volumes such as size. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network security system of Anderson to include Jackson's feature of a plurality of security levels for a plurality of networked processing engines with the capability of defining logical volumes because this advantageously provides a separate or reserved communication path between the two processing engines (control management station and system unit) ([0400]).

### ***Response to Arguments***

28. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

29. *Applicant argues that Anderson has never mentioned or suggested distributing multiple tasks to multiple systems substantially at the same time.*

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "distributing multiple tasks to multiple systems substantially at the same time") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Nevertheless, although Anderson describes how a single client or computer interacts with a web server, it also describes that there are multiple computers or clients on the network that can simultaneously access the internet web server ([0029]-[0030], etc.).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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